

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SHAUN AUSTIN,
Petitioner,

v.

**DISTRICT ATTORNEY'S OFFICE
OF NORTHAMPTON COUNTY
Respondent.**

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CIVIL ACTION NO. 22-CV-0837

ORDER

AND NOW, this 1st day of June, 2022, upon consideration of Shaun Austin's Motion to Proceed *In Forma Pauperis* (ECF No. 8), Prisoner Trust Fund Account Statement (ECF No. 7), and *pro se* Petition for Extraordinary Relief Pursuant to All Writs Act 28 USC 1651 (ECF No. 3), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Shaun Austin, #JL-5535, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Superintendent of SCI Dallas or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Austin's inmate account; or (b) the average monthly balance in Austin's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Austin's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to

Austin's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Superintendent of SCI Dallas.

4. The Petition is **DEEMED** filed.

5. Austin's Petition is **DISMISSED WITH PREJUDICE** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons stated in the Court's Memorandum.

6. Austin's "Request for Answer on Procedure" (ECF No. 6) is **DENIED**.

7. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ Juan R. Sánchez
JUAN R. SÁNCHEZ, C.J.